

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DUANE ALVES,
Plaintiff,

v.

JOHN DALY, JAMES HYDE, ARIEL
COLLAZO, CHRISTOPHER BORUM,
LUIZ MARTINEZ, JONATHAN WELCH,
EDMOND M. RICHARDI, NORTH
STREET STEAK HOUSE AND SPORTS
BAR, INC., and FIDDE REALTY,
LLC,
Defendants.

Civ. A. No. 12-10935-MLW

ORDER

WOLF, D.J.

October 21, 2013

For the reasons stated in court on October 17, 2013, it is hereby ORDERED that:

1. Defendant North Street Steak House and Sports Bar, Inc. shall answer the Second Amended Complaint by October 22, 2013.

2. Defendant Jonathan Welch's Motion to Set Aside Default (Doc. No. 115) is ALLOWED. Welch shall answer the Second Amended Complaint by November 8, 2013. Plaintiff Duane Alves's Revised Motion for Entry of Default Judgment Against Welch (Doc. No. 113) is DENIED.

3. Defendants Ariel Collazo and James Hyde's Motion to Dismiss (Doc. No. 122) is ALLOWED in part and DENIED in part:

- (a) The motion is ALLOWED with regard to Count 1 (Negligence) of Defendant Edmond M. Richardi's Cross-Claim (Doc. No. 119) and with regard to Count 1 (Negligence) of Defendant Luiz Martinez's Cross-Claim (Doc. No. 121).
- (b) The motion is DENIED with regard to: (i) the Second Amended Complaint; (ii) Count 2 (Contribution and Indemnification) of Richardi's Cross-Claim (Doc. No. 119); and (iii) Count 2 (Contribution and Indemnification) of Martinez's Cross-Claim (Doc. No. 121).
- (c) Collazo and Hyde shall answer the Second Amended Complaint by November 8, 2013.
- (d) Collazo and Hyde's previous Motion to Dismiss (Doc. No. 90) is MOOT.

4. On October 24, 2013, defendants Luiz Martinez, Jonathan Welch, Edmond M. Richardi, and North Street Steak House and Sports Bar, Inc. shall take the depositions of third-party defendants Eric Short, Fabio Rossi, Patrick Roundtree, Jeffrey Wahtola, and Richard Armeson. The depositions shall begin at 10:00 a.m. and shall end no later than 4:00 p.m.

5. By November 8, 2013, defendants Luiz Martinez, Jonathan Welch, Edmond M. Richardi, and North Street Steak House and Sports Bar, Inc. shall report whether their claims against any or all of the third-party defendants should be dismissed.

6. If any crossclaims or third-party complaints are asserted in the answers filed pursuant to paragraphs 1, 2, or 3(c) of this Order:

(a) Third-party defendants Eric Short and Fabio Rossi shall respond by December 3, 2013. If they respond by way of a motion to dismiss, any opposition to that motion shall be filed by December 17, 2013.

(b) All other parties subject to any such crossclaims or third-party complaints shall answer the crossclaims or third-party complaints by December 3, 2013.

7. The parties shall obey the attached Scheduling Order.


UNITED STATES DISTRICT JUDGE